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WASHINGTON POST
12 July 1985ARTICLE APPEARED
ON PAGE A-19

Death Penalty For Peacetime Espionage Voted

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The House, in its first roll call in eight years on the death penalty, voted overwhelmingly yesterday to allow execution of those convicted of peacetime espionage by military courts.

The 320-to-101 vote, with three lawmakers voting present, came on a Republican motion to instruct House conferees to hold firm on the death penalty when they meet with Senate negotiators to work out differences on the fiscal 1986 defense authorization bill.

Nine Republicans and 92 Democrats opposed the motion; 172 Republicans and 148 Democrats supported it.

During consideration of the defense bill on June 27, the House approved by voice vote a GOP-sponsored amendment that would allow military courts to impose the death penalty for those convicted of espionage in peacetime. The amendment was sparked by mounting concern over the damage caused by a spy ring said to be headed by retired Navy chief war-

rant officer John Anthony Walker Jr.

Republican supporters of the amendment pressed at the time for a roll-call vote, which would put each House member on record, but did not succeed. Amendments adopted by voice vote are more easily dropped in a conference with the Senate than those adopted by recorded vote.

Yesterday's GOP motion to instruct the conferees was designed not only to give the death penalty for espionage a better chance in conference, but also to show House Democratic leaders that there is strong support for other death penalty legislation that has been bottled up in the Democratic-controlled Judiciary Committee.

Rep. Daniel E. Lungren (R-Calif.) touched on that point yesterday during brief debate on the motion. He said the House has not voted on the death penalty since 1977 and "the people of my state constantly say, 'Why haven't you done anything?' and I have to say it's because we can't get it out of subcommittee."

But House Armed Services Committee Chairman Les Aspin (D-Wis.), who will lead the House defense conferees, said, "I don't read too much into this as the wave of the future on the death penalty. I'm going to vote for it but I don't know whether I would vote for the death penalty" in other circumstances.